HONOURABLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

HONOURABLE SRI JUSTICE G.BHAVANI PRASAD

W.P.NO.26439 OF 2005

BETWEEN

Sri M.Peddaramudu, S/O Mallanna …. Petitioners

And

The General Manager, District Industries Centre, Kurnool

And 4 others.

…. Respondents

:: JUDGMENT::

Counsel for the Petitioner : Mr.P.Veera Reddy

Counsel for Respondent Nos 1 & 3: Mr.B.S.Venkata Ramesh

Counsel for Respondent No.2 : Mr.S.V.Bhatt, Standing counsel.

Counsel for Respondent No.4 : Mr.B.S.Venkata Ramesh

Counsel for Respondent No.5 : Ms.U.Ramanjaneyulu

Dated 23.1.2006

Per G.S.Singhvi, CJ

In this petition, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondents 1 to 3 to stop the operation of flour and huller mill being run by respondent No.4.

Sri SV Bhatt, learned counsel for A.P. Pollution Control Board says that after receipt of notice of the petition, Assistant Environmental Engineer, Kurnool inspected the establishment of respondent No.4 on 16.1.2006 and submitted a report, which reveals that operation of a mill does not result in air pollution but there is some noise pollution and action in that regard can be taken only by the District Collector. Learned counsel says that the report of the Assistant Environmental Engineer will be forwarded to the District Collector for taking appropriate action in accordance with law.

In view of the statement made by Sri Bhatt the writ petition is disposed of with a direction that the report of the Assistant Environmental Engineer, A.P.Pollution Control Board, be forwarded to District Collector, Kurnool within a period of two weeks from today. Thereafter, the concerned Officer shall take appropriate action in accordance with law.

While disposing of the writ petition in the manner indicated above, we will make it clear that no order shall be passed and no action be taken by the concerned officer prejudicially affecting respondent No.4 without giving it a reasonable opportunity of hearing.

It shall also be open to respondent No.4 to plead before the collector that

another flour mill is being run in the vicinity and action should also be taken against the said mill also in accordance with law.

G.S.SINGHVI, CJ

Dated 23.1.2006

G.BHAVANI PRASAD,J

msv